

CHAPTER NO. 59

HOUSE BILL NO. 2372

By Representatives Coleman, Hood, Rowland, Cobb

Substituted for: Senate Bill No. 2359

By Senators Ketron, Tracey

AN ACT to amend Chapter 384 of the Private Acts of 1947, as amended by Chapter 118 of the Private Acts of 1973, and any other acts amendatory thereto, relative to the general sessions court of Rutherford County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 384 of the Private Acts of 1947, as amended by Chapter 118 of the Private Acts of 1973, and any other acts amendatory thereto, is further amended by adding the following language to the end of Section 12:

Effective September 1, 2006, there is created Part III of the Court of General Sessions of Rutherford County. At the August general election in 2006, and every eight (8) years thereafter, the qualified voters of Rutherford County shall elect a person to serve as judge of Part III of the Court of General Sessions for an eight-year term.

Such person shall be required to possess all of the same qualifications as the general sessions judges in Parts I and II and shall be vested with the same authority and jurisdiction to try, hear and dispose of cases and other matters that come before such court as is conferred upon the judges in Parts I and II.

The judge of Part III shall receive the same compensation, payable in the same manner as the judges of Parts I and II.

Beginning September 1, 2006, the Judges of the General Sessions Court of Rutherford County shall designate, by a majority vote, one (1) of the three (3) judges to serve as the presiding judge for a one (1) year term. There is no limit on the number of consecutive terms a judge may serve as presiding judge. The presiding judge shall designate, determine the cases and the time for holding court for each judge. Until September 1, 2006, the present method of selecting the presiding judge shall remain in effect.

SECTION 2. Effective September 1, 2006, Chapter 384 of the Private Acts of 1947, as amended by Chapter 118 of the Private Acts of 1973, and any other acts amendatory thereto, is further amended by deleting from Section 12 the first full paragraph added by Section 3 of Chapter 118 of the Private Acts of 1973, such paragraph pertaining to the selection of the presiding judge for the General Sessions Court of Rutherford County.

SECTION 3.

(a) Rutherford County shall provide all funding necessary for the establishment and operation of Part III of the Court of General Sessions of Rutherford County created by this act, as well as a courtroom, office space and such personnel as is necessary to efficiently operate such court.

(b) This act shall take effect only if the cost of providing any additional assistant district attorneys general, assistant district public defenders, or any other costs associated with the judgeship created by this act are funded by Rutherford County, and such funding continues for the term of the judgeship so created.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

PASSED: May 18, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 1st day of June 2005


PHIL BREDESEN, GOVERNOR